



2016/0280(COD)

28.4.2017

AMENDMENTS

473 - 672

Draft report
Therese Comodini Cachia
(PE601.094v01-00)

Copyright in the Digital Single Market

Proposal for a directive
(COM(2016)0593 – C8-0383/2016 – 2016/0280(COD))

Amendment 473
Daniel Buda

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights *is* disproportionately low compared to the relevant revenues *and the benefits* derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights *have become* disproportionately low compared to the relevant *net* revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the *economic* specificities *or other features and* practices of the different content sectors, *as well as the nature and importance of the contribution of the author, performer or executant of the work or the performance or rendering as a whole*. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. ro

Amendment 474
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the **relevant** revenues and the **benefits** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer **should** be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism **which would be applicable** for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the **subsequent and unanticipated** revenues and the **net profit** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer **may** be entitled to bring a claim before a court or other competent authority. **However, where agreements with collective management organisations are applicable or where agreements with individuals are already in place and enforced, the remuneration mechanism should not apply.**

Or. en

Amendment 475
Stefano Maullu

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, ***there should be*** a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant ***revenues and the benefits*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, a remuneration adjustment mechanism ***should be introduced*** for cases where the remuneration originally agreed under a licence or a transfer of rights is ***clearly*** disproportionately low compared to the ***unanticipated*** relevant ***net revenues*** derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority. ***Such remuneration adjustment mechanism should only apply to direct contractual parties. It should not apply when the contribution of the author or performer is not significant having regard the overall work or performance.***

Or. en

Amendment 476

Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, Frédérique Ries, António Marinho e Pinto

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, ***there should be*** a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors.*** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, ***they could institute*** a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***It is essential that the contractual position of authors and performers be strengthened so that they can enjoy fair, non-assignable remuneration and so as to avoid power imbalances between the parties. Such a provision would apply only to the parties directly linked contractually.*** Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority ***or to terminate his or her contract.***

Or. fr

Amendment 477

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few

possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. ***Such mechanism should allow authors and performers, individually or through representative organisations, to claim an additional and equitable remuneration.*** The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent ***judicial*** authority.

Or. en

Amendment 478
Pavel Svoboda

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are ***of long*** duration, offering ***few*** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States,

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are ***for the entire duration of copyright***, offering ***no*** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts

there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the **relevant** revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case **as well as** of the specificities **and practices** of the different **content** sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. **Collective bargaining should be considered as an option to reach an agreement.** The assessment of the situation should take account of the specific circumstances of each case **and** of the specificities of the different sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 479

Antanas Guoga, Eva Maydell

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) **Certain** contracts for the exploitation of rights harmonised at Union level are **of long** duration, offering **few** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the

Amendment

(42) **Most** contracts for the exploitation of rights harmonised at Union level are **for the entire** duration **of copyright**, offering **no** possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the

fixation of the performance, including in light of the transparency ensured by this Directive. *The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

fixation of the performance, including in light of the transparency ensured by this Directive. *Collective bargaining should be considered as an option to reach an agreement.* Where the parties do not agree on the adjustment of the remuneration, the author or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 480

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author or performer

Amendment

(42) Certain contracts for the exploitation of rights harmonised at Union level are of long duration, offering few possibilities for authors and performers to renegotiate them with their contractual counterparts or their successors in title. Therefore, without prejudice to the law applicable to contracts in Member States, there should be a remuneration adjustment mechanism for cases where the remuneration originally agreed under a licence or a transfer of rights is disproportionately low compared to the *unanticipated* relevant revenues and the benefits derived from the exploitation of the work or the fixation of the performance, including in light of the transparency ensured by this Directive. The assessment of the situation should take account of the specific circumstances of each case as well as of the specificities and practices of the different content sectors. Where the parties do not agree on the adjustment of the remuneration, the author

should be entitled to bring a claim before a court or other competent authority.

or performer should be entitled to bring a claim before a court or other competent authority.

Or. en

Amendment 481
Antanas Guoga

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often **reluctant** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often **unable** to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism. ***The dispute settlement resolution could also be agreed upon in collective agreements.***

Or. en

Amendment 482
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for **an** alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for **a voluntary and public** alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment 483
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment

(43) Authors and performers are often reluctant to enforce their rights against their contractual partners before a court or tribunal. Member States should therefore provide for an *efficient* alternative dispute resolution procedure that addresses claims related to obligations of transparency and the contract adjustment mechanism.

Amendment 484
Julia Reda

Proposal for a directive
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) There is in many cases a lack of information and availability of data regarding the holders of copyright and related rights, which prevents potential users of works to obtain a license to use or reproduce that work and directly remunerate the author or creator of that work. A centralised database should therefore be established to enable an easier identification of works subject to copyright and related rights, decrease complexity and costs in authors and performers's rights administration and to facilitate the remuneration and payment

of licenses to artists and performers for their work.

Or. en

Amendment 485

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 44

Text proposed by the Commission

(44) *The objectives of this Directive, namely the modernisation of certain aspects of the Union copyright framework to take account of technological developments and new channels of distribution of protected content in the internal market, cannot be sufficiently achieved by Member States but can rather, by reason of their scale, effects and cross-border dimension, be better achieved at Union level.* Therefore, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment

(44) *Given that an EU copyright framework is already in place, Union action on the subject is justified by the aim of this Directive, namely to modernise aspects of the framework to take account of technological developments and new channels of distribution of protected content. Therefore, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.*

Or. fr

Amendment 486

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Recital 45

Text proposed by the Commission

Amendment

(45) This Directive respects *the* fundamental rights *and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union*. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles.

(45) This Directive respects fundamental rights *as provided for by the Member States' constitutional traditions*. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles.

Or. fr

Amendment 487
Rosa Estaràs Ferragut

Proposal for a directive
Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) It is generally considered, including for the purposes of this Directive, that a work or other subject-matter protected by copyright has been communicated and/or made available to the public, as referred to in Article 3 of Directive 2001/29/EC, when the circle of persons able to access that work or subject-matter extends beyond the family or household in the narrow sense. It makes no difference whether those persons are actually in the same place or in different places, or whether they receive the work or subject-matter at the same time or at different times.

Or. es

Justification

A number of provisions are based on the concept of the right of communication to the public, a concept that has been variously addressed in case-law and that has led to a series of discrepancies between the interpretation made by the Court of Justice of the European Union (for example in case C-135/10 Del Corso or in the Reha Training case C-117/15) and by the World Intellectual Property Organisation (taking account of the 2003 WIPO guide on international treaties).

Amendment 488

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.

Amendment

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. ***Without jeopardising the further changes likely to be made to the regulatory framework in the future in order to allow for technological developments***, it also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the exploitation of works and other subject-matter.

Or. it

Amendment 489

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive ***lays down rules which aim at further harmonising*** the Union law applicable to copyright and related rights ***in the framework of the internal market***, taking into account in particular digital ***and cross-border*** uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring ***a well-functioning***

Amendment

1. This Directive ***aims to modernise*** the Union law applicable to copyright and related rights, taking into account in particular digital uses of protected content. It also lays down rules on exceptions and limitations, and on the facilitation of licences as well as rules aiming at ensuring ***that the interests of all the stakeholders in*** the exploitation of works and other subject-matter ***are properly balanced***.

marketplace for the exploitation of works and other subject-matter.

Or. fr

Amendment 490

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the *exploitation* of works and other subject-matter.

Amendment

1. This Directive lays down rules which aim at further harmonising the Union law applicable to copyright and related rights in the framework of the internal market, taking into account in particular digital and cross-border uses of protected content. It also lays down rules on exceptions and limitations, on the facilitation of licences as well as rules aiming at ensuring a well-functioning marketplace for the *enjoyment* of works and other subject-matter.

Or. en

Amendment 491

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition, Member States shall harmonise the term of protection of copyright and related rights so that its duration does not exceed the current international standards set out in the Berne Convention, taking into account the time needed to recoup an investment, the average commercial life of a work,

and the public interest in the dissemination of creative works.

Or. it

Amendment 492

Victor Negrescu, Kaja Kallas, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 493

Julia Reda

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 494
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, **2000/31/EC**, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 495
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Amendment

2. Except in the cases referred to in Article 6, this Directive shall leave intact and shall in no way affect existing rules laid down in the Directives currently in force in this area, in particular Directives 96/9/EC, **2000/31/EC**, 2001/29/EC, 2006/115/EC, 2009/24/EC, 2012/28/EU and 2014/26/EU.

Or. en

Amendment 496
Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Evelyn Regner, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The processing of personal data carried out within the framework of this Directive shall be subject to Directive 95/46/EC and the General Data Protection Regulation.

Or. en

Amendment 497

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

deleted

(a) on a non-for-profit basis or by reinvesting all the profits in its scientific research; or

(b) pursuant to a public interest mission recognised by a Member State;

Or. en

Amendment 498

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

‘research organisation’ means a university, a research institute or any other

‘research organisation’ means a university including its libraries, a research institute

organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Or. de

Amendment 499
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘*research organisation*’ means a university, a research institute or any other organisation the primary goal of *which is to conduct scientific research or to conduct scientific research and provide educational services*:

Amendment

‘*educational establishment*’ means a *school, college*, university, a research institute or any other organisation *with* the primary goal of *providing* educational services.

Or. en

Amendment 500
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct *and support* scientific research or to conduct scientific research and provide educational services:

Or. en

Amendment 501

Emil Radev

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct scientific research and provide educational services:

‘research organisation’ means a university, a research institute or any other organisation the primary goal of which is to conduct scientific research or to conduct **and support** scientific research and provide educational services:

Or. bg

Amendment 502

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) *on a non-for-profit basis or by reinvesting all the profits in its scientific research; or*

deleted

Or. en

Amendment 503

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) on a non-for-profit basis or by reinvesting all the profits in its **scientific research**; or

(a) on a non-for-profit basis or by reinvesting all the profits in its **educational activities**; or

Or. en

Amendment 504

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) "person" means a public or private entity or an individual.

Or. en

Amendment 505

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) pursuant to a public interest mission recognised by a Member State; *deleted*

Or. en

Amendment 506

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation; *deleted*

Or. en

Amendment 507

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a decisive influence upon such organisation; **deleted**

Or. en

Amendment 508

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a **decisive** influence upon such organisation;

in such a way that the access to the results generated by the scientific research cannot be enjoyed on a preferential basis by an undertaking exercising a **significant** influence upon such organisation;

Or. en

Amendment 509

Tadeusz Zwiefka

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

(2) **‘text and data mining’ means any automated analytical technique aiming to analyse text and data in digital form in** **deleted**

order to generate information such as patterns, trends and correlations;

Or. en

Amendment 510
Victor Negrescu

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

(2) ‘text and data mining’ means any *automated analytical* technique *aiming to analyse text and data* in digital form in order to generate information *such as* patterns, trends and correlations;

Amendment

(2) ‘text and data mining’ means any *computational* technique *which analyses works and other subject matter* in digital form in order to generate information *including, but not limited to, inferences, insights, attributes,* patterns, trends and correlations;

Or. en

Amendment 511
Lidia Joanna Geringer de Oedenberg, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

(2) ‘text and data mining’ means any automated analytical technique *aiming to analyse text and data* in digital form in order to generate information *such as* patterns, trends and correlations;

Amendment

(2) ‘text and data mining’ means any automated analytical technique *which analyses works and other subject matter* in digital form in order to generate information, *including, but not limited to,* patterns, trends and correlations.

Or. en

Amendment 512
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

(2) ‘text ***and data*** mining’ means any automated analytical technique aiming to analyse text ***and data*** in digital form in order to generate information such as patterns, trends and correlations;

Amendment

(2) ‘text mining’ means any automated analytical technique aiming to analyse text in digital form in order to generate information such as patterns, trends and correlations;

Or. fr

Amendment 513
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) "beneficiary" means any individual or entity, public or private, with lawful access to content;

Or. en

Amendment 514
Julia Reda

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

(3) ‘cultural heritage institution’ means ***a publicly accessible library or museum, an archive or a film or audio heritage institution;***

(3) ‘cultural heritage institution’ means publicly accessible ***libraries, educational establishments and museums, as well as archives, film or audio heritage institutions and public-service broadcasting organisations;***

Amendment 515
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

(3) ‘cultural heritage institution’ means a publicly accessible library or museum, an archive or a film or audio heritage institution;

Amendment

(3) ‘cultural heritage institution’ means a publicly accessible library, **gallery** or museum, an archive or a film or audio heritage institution **or public broadcaster**;

Amendment 516
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) ‘public domain’ means the status of a work or other subject matter when the copyright and related rights therein :

- (a) have expired, or**
- (b) have never existed, or**
- (c) have been voluntarily relinquished by rightholders;**

Amendment 517
Julia Reda

Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) "user generated content" means an image, a set of moving images with or without sound, a phonogram, text, software, data, or a combination of the above, which is uploaded to an online service by one or more users;

Or. en

Amendment 518

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

Amendment

(4) 'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

deleted

Or. en

Amendment 519

Julia Reda, Isabella Adinolfi, Max Andersson, Petras Auštrevičius, Brando Benifei, Izaskun Bilbao Barandica, David Borrelli, Klaus Buchner, Reinhard Bütikofer, Matt Carthy, Daniel Dalton, Fabio De Masi, Pascal Durand, Stefan Eck, Bas Eickhout, Cornelia Ernst, Fredrick Federley, Laura Ferrara, Thomas Händel, Benedek Jávor, Kaja Kallas, Ska Keller, Kostadinka Kuneva, Merja Kyllönen, Philippe Lamberts, Marju Lauristin, Sabine Lösing, Ulrike Lunacek, Jiří Maštálka, Martina Michels, Jozso Radoš, Evelyn Regner, Michel Reimon, Terry Reintke, Judith Sargentini, Marietje

Schaake, Helmut Scholz, Molly Scott Cato, Davor Škrlec, Igor Šoltes, Dario Tamburrano, Indrek Tarand, Yana Toom, Ernest Urtasun, Bodil Valero, Monika Vana, Sophia in 't Veld, Josef Weidenholzer, Gabriele Zimmer, Laura Agea, Luke Ming Flanagan, Yannick Jadot, Nessa Childers, Rosa D'Amato, Marco Valli, Matthijs van Miltenburg, Florent Marcellesi

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

Amendment

(4) *'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.* *deleted*

Or. en

**Amendment 520
József Szájer, Andrea Bocskor**

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

Amendment

(4) *'press publication' means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or* *deleted*

other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Or. en

Justification

The planned new neighbouring right would make a distinction between different types of journalistic publications and it would not be based on whether such publications are protected by copyright, but on certain other criteria.

Amendment 521

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

deleted

Or. en

Amendment 522

Angelika Niebler, Christian Ehler, Axel Voss

**Proposal for a directive
Article 2 – paragraph 4**

Text proposed by the Commission

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Amendment

(4) ‘press publication’ means a fixation of a collection of literary works of a journalistic nature ***produced by one or several authors***, which may also comprise other works or subject-matter and constitutes an individual item within a periodical or regularly-updated publication under a single title, such as a newspaper or a general or special interest magazine, having the purpose of providing information related to news or other topics and published in any media under the initiative, editorial responsibility and control of a service provider.

Or. de

Amendment 523
Julia Reda

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) ‘Out of commerce work’ means a work or other subject-matter that is not available to the public through customary channels of commerce, and it refers to both works that have previously been available commercially and works that have never been commercially available;

Or. en

Amendment 524
Tadeusz Zwiefka, Bogdan Brunon Wenta

Proposal for a directive
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) *'significant amount' means fairly large in quantity or relevant in quality in the sense of importance of the uploaded copyright protected works for the creative sector or the users;*

Or. en

Amendment 525

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) *"lawful access" means access to content acquired with the consent of the rightholder;*

Or. en

Amendment 526

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

(5) *'lawful access' means access to content obtained in accordance with the applicable legislation;*

Or. fr

Amendment 527

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2b

(6) ‘automated image referencing service’ means any online service which reproduces or makes available to the public for indexing and referencing purposes graphic or art works or photographic works collected by automated means via a third-party online service;

Or. fr

Amendment 528

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Title 3

Text proposed by the Commission

Amendment

**MEASURES TO ADAPT EXCEPTIONS
AND LIMITATIONS TO THE DIGITAL
AND CROSS-BORDER
ENVIRONMENT**

**MEASURES TO ADAPT EXCEPTIONS
AND LIMITATIONS TO THE DIGITAL
ENVIRONMENT**

Or. fr

Amendment 529

Tadeusz Zwiefka

Proposal for a directive
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Text and data mining

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

4. Member States shall encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Justification

The potential of content mining techniques should be recognized and should contribute to breakthroughs in research. Stakeholders should collaborate to create and improve user-friendly platforms to facilitate the access to text and data mining licences and material. Universities and research facilities are already granted free licences to screen texts and search for data. The commercial use of TDM seems to be regulated by the market, therefore there is no need to introduce the new exception which add no value to the already existed practice.

Amendment 530

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

**Proposal for a directive
Article 3 – title**

Text proposed by the Commission

Amendment

Text *and data* mining

Text mining

Or. fr

Amendment 531

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations *in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.*

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations.

Or. en

Amendment 532

Victor Negrescu

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by *research organisations* in order to carry out text and data mining of works or other

1. Member States shall provide for an exception to the rights provided for in Article 2, **3 and 4** of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by *any natural or legal person* in order to carry out text and data mining of works or other

subject-matter to which *they have* lawful access for the *purposes of scientific research*.

subject matter to which *the person performing such acts has* lawful access, *and* for the *incidental inclusion of such works and other subject matter in other material in accordance with fair practice*.

Or. en

Amendment 533
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made *by research organisations* in order to carry out text and data mining of works or other subject-matter to which they have lawful access for *the purposes of scientific research*.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter to which they have lawful access for *non-commercial research* purposes. *Member States may continue to provide text and data mining exceptions in accordance with Article 5 (3) (a) of Directive 2001/29/EC*.

Or. en

Amendment 534
Jens Rohde

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations, **public libraries and cultural heritage institutions** in order to carry out text and data mining of works or other subject-matter to which they have **acquired** lawful access for the **sole** purposes of scientific research.

Or. en

Justification

Libraries with a public mandate and cultural heritage institutions should equally benefit from the exception if they are using the possibility of text and data mining for scientific research purposes. A reference to the concept of Article 5 of the Software Directive 2009/24/EC seems appropriate to limit the application to content which is acquired in a lawful manner.

Amendment 535

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for **the** purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out, **with the rightholders' consent**, text and data mining of works or other subject-matter to which they have lawful access for **non-commercial** purposes of scientific research.

Or. fr

Amendment 536

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC **and** Article 11(1) of this Directive for reproductions and extractions made by **research organisations** in order to carry out text and data mining of works or other subject-matter to which they have **lawful** access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 11(1) of this Directive **and Article 4(1)(a) of Directive 2009/24/EC** for reproductions and extractions made by **persons or legal entities** in order to carry out text and data mining of works or other subject-matter to which they have **authorised** access for the purposes of scientific research.

Or. en

Amendment 537

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have **acquired** lawful **licence-based** access for the purposes of **non-commercial** scientific research.

Or. en

Amendment 538

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made **by research organisations** in order to carry out text and data mining of works or other subject-matter **to which they have lawful access for the purposes of scientific research.**

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made in order to carry out text and data mining of works or other subject-matter. **This includes, for the sole purpose of text and data mining, the permission to extract contents of databases and to make reproductions.**

Or. en

Amendment 539

Jytte Guteland

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations **and cultural heritage institutions** in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. en

Justification

The proposal to introduce a mandatory exemption for text and data mining is positive and recognize the great potential in this area in terms of research and innovation. This proposal should however be extended to cultural heritage institutions that act on behalf of the public interest.

Amendment 540

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter to which they have lawful access for the purposes of ***non-commercial use, such as*** scientific research, ***for example***.

Or. de

Amendment 541

Constance Le Grip

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out

text and data mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

text and data mining of works or other subject-matter to which they have *acquired* lawful access for the purposes of scientific research.

Or. en

Amendment 542

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions *made by research organisations* in order to carry out text and data mining of works or other subject-matter to which *they have* lawful access for the *purposes of scientific research*.

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions in order to carry out text and data mining of works or other subject-matter to which *a* lawful access *is acquired* for the *sole purpose of text and data mining*.

Or. en

Amendment 543

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in *Article 2* of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made *by*

Amendment

1. Member States shall provide for an exception to the rights provided for in *Articles 2, 3 and 4* of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article 11(1) of this Directive for reproductions and extractions,

research organisations in order to carry out text and data mining of works or other subject-matter *to which they have lawful access for the purposes of scientific research*.

made in order to carry out text and data mining of works or other subject-matter *as long as the body performing these acts has lawful access*.

Or. en

Amendment 544

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States *shall* provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text *and data* mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Amendment

1. Member States *may* provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by research organisations in order to carry out text mining of works or other subject-matter to which they have lawful access for the purposes of scientific research.

Or. fr

Amendment 545

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for reproductions and extractions made by

Amendment

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, **Article 4 (1) of Directive 2009/24/EC** and Article 11(1) of this Directive for reproductions

research organisations in order to carry out text and data mining of works or other subject-matter *to which they have lawful access for the purposes of scientific research.*

and extractions made by research organisations in order to carry out text and data mining of works or other subject-matter *lawfully accessed.*

Or. en

Amendment 546

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall encourage rightholders who market works or other subject-matter primarily for research purposes, to allow research organisations, not having lawful access to those works or other subject-matter to access datasets that enable them to carry out only text and data mining. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as this compensation is reasonable. Member States shall promote stakeholder dialogue between the rightholders for other formats and types of content, research organisations and representatives of users in order to promote meaningful access to usable information for text and data mining elsewhere.

Or. en

Amendment 547

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide for rightholders who market works or other subject-matter primarily for research purposes, to have an obligation to allow research organisations not having lawful access to those works or other subject-matter access to datasets that are optimised for enabling them to carry out text and data mining on all aspects of the works. Member States may also provide for rightholders to have a right to request compensation for meeting this obligation as long as that compensation is related to the cost of formatting these datasets and does not exceed what is necessary and appropriate to cover those costs.

Or. en

Amendment 548

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

2. Any contractual provision ***or legal protection of technological measures*** contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 549

Angelika Niebler, Christian Ehler, Axel Voss

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Copies of content obtained in accordance with the provisions of paragraph 1 may be stored and preserved in a secure way for the duration of the research. Research organisations shall delete the content reproduced for the purpose of text and data mining once all the activities necessary for the research have been performed.

Or. de

Amendment 550
József Szájer, Andrea Bocskor

Proposal for a directive
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Research organisations shall delete the reproductions of the works or other subject-matter made pursuant to paragraph 1 once the text and data mining acts necessary for the purposes of scientific research have been carried out.

Or. en

Justification

The dissemination of protected works shall be avoided.

Amendment 551
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are

3. Rightholders shall **not** be allowed to apply measures to **prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1,**

hosted. Such measures shall not *go beyond* what is necessary to *achieve that* objective.

unless such measures are to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted *may be applied*. Such measures shall not *exceed* what is necessary to *pursue the* objective of *ensuring the security of the system and shall not undermine the effective application of the exception. These measures shall not prevent or unreasonably restrict the ability to text and data mine or the ability to develop text and data mining tools different from those offered by the right holders as long as the security of the networks and databases are protected*.

Or. en

Amendment 552

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall *not* be allowed to apply *technological* measures to *prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to* ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall *be transparent, non-discriminatory, proportionate, shall* not go beyond what is necessary to achieve that objective *and be justified by objective reasons*.

Or. en

Amendment 553

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

Amendment

3. Rightholders shall **not** be allowed to apply **technological** measures to **prevent or hinder beneficiaries from benefiting from the exception provided for in paragraph 1, unless to** ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures **shall be transparent, non-discriminatory, proportionate and** shall not go beyond what is necessary to achieve that objective.

Or. en

Amendment 554

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to **ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.**

Amendment

3. Rightholders shall **not** be allowed to apply measures to **technologically limit the right to exercise the exception adopted pursuant to paragraph 1.**

Or. en

Amendment 555

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

3. Rightholders shall be allowed to apply measures to ***ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.***

Amendment

3. Rightholders shall ***not*** be allowed to apply measures to ***prevent or to hinder beneficiaries from benefiting from the exception provided in paragraph 1***

Or. en

Amendment 556

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

3a. Copies of content obtained for mining text and data shall be stored or preserved in a controlled and protected way, for a reasonable period of time, in the sole purpose of verification of results. Any copies of content obtained for mining text and data which are stored or preserved for longer than what is reasonable, shall constitute infringing copies.

Amendment

Or. en

Amendment 557

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and ***research organisations*** to define commonly-agreed best practices

Amendment

4. Member States shall encourage rightholders and ***beneficiaries*** to define commonly-agreed best practices ***across the***

concerning the application of the measures referred to in paragraph 3.

Union concerning the *development of technologies implementing the exception provided for in paragraph 1 as well as the application of the measures referred to in paragraph 3. These best practices shall be made easily and effectively accessible to the public.*

Or. en

Amendment 558
Sajjad Karim, Angel Dzhambazki

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and *research organisations* to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and *educational establishments* to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 559
Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall *encourage rightholders and research organisations to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.*

Amendment

4. Member States shall *designate a facility to safely store datasets used for text and data mining and to make them accessible for verification purposes.*

Or. en

Amendment 560

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders **and research organisations to define commonly-agreed best practices concerning the application of the measures referred to** in paragraph 3.

Amendment

4. Member States shall encourage rightholders **to make technological measures that might have an impact upon use of the exception provided for in paragraph 1, transparent to the public.**

Or. en

Amendment 561

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall encourage rightholders and **research organisations** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Amendment

4. Member States shall encourage rightholders and **beneficiaries** to define commonly-agreed best practices concerning the application of the measures referred to in paragraph 3.

Or. en

Amendment 562

Daniel Buda

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Reproductions of works or other protected subject matter, made in accordance with paragraph 1, must be safely stored against unauthorised access

for the period necessary to carry out text and data mining for the purpose of scientific research and must be deleted at the end of the proceedings.

Any reproductions of works or other protected subject matter used for text and data mining that are stored or preserved for longer than necessary shall be regarded as counterfeit copies.

Or. ro

Amendment 563

Jean-Marie Cavada, Robert Rochefort, Joëlle Bergeron, António Marinho e Pinto

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Copies of content accessible for text and data mining (TDM) must be kept in a secure way. They may not be stored or preserved in any form beyond the end of the TDM project. Any copy preserved or stored for more than six months after the end of the project shall be considered an unlawful copy.

Or. fr

Amendment 564

Julia Reda, Nessa Childers, Max Andersson, Michel Reimon, Brando Benifei

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Research data, including research articles, produced with public funding

shall be made available in an open format optimised for enabling text and data mining, without licence restrictions on the re-use of such data.

Or. en

Amendment 565
Jiří Maštálka

Proposal for a directive
Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall designate a facility to store scientific datasets used in research by text and data mining technologies securely and to make such datasets accessible only for verification purposes.

Or. en

Amendment 566
József Szájer, Andrea Bocskor

Proposal for a directive
Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may provide for fair compensation for the harm incurred by rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Justification

Such an approach could also consider the differences between the Member States in this area and would leave them a possibility to adjust their system even after the implementation of the Directive, according to future experiences and developments.

Amendment 567

Laura Ferrara, Isabella Adinolfi, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Right to impose private copying levies

Member States shall regulate the right to impose private copying levies in order to ensure that citizens are informed about the actual amount to be levied, the purpose of the levy, and the ways in which it is to be used.

Or. it

Amendment 568

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in digital and cross-border teaching activities

Use of works and other subject-matter in digital and cross-border teaching activities ***and scientific research***

Or. en

Amendment 569

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in
digital and cross-border teaching activities

Use of works and other subject-matter in
teaching activities

Or. en

Amendment 570
Julia Reda

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in
digital and cross-border teaching
activities

Use of works and other subject-matter in
research and education activities

Or. en

Amendment 571
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

Use of works and other subject-matter in
digital *and cross-border* teaching activities

Use of works and other subject-matter in
digital teaching activities

Or. fr

Amendment 572
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study***, to the extent justified by the non-commercial purpose to be achieved, provided that the use ***is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.***

Or. en

Amendment 573
Constance Le Grip

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter, ***or extracts of it, with the exception of sheet music and materials primarily intended for the educative market***, for the sole purpose of illustration for teaching, to the extent ***and duration*** justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 574

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella, Robert Rochefort

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter ***or extract thereof, except for contents that are primarily intended to the educational and musical scores markets***, for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 575

Julia Reda

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the ***digital*** use of works and other subject-matter for the sole purpose of ***illustration for teaching, to the extent justified by the***

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the use of works and other subject-matter for the sole purpose of ***research and education***, provided that the use:

non-commercial purpose to be achieved,
provided that the use:

Or. en

Amendment 576

Josef Weidenholzer, Evelyn Regner

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, *to the extent justified by the non-commercial purpose to be achieved*, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, provided that the use:

Or. en

Amendment 577

Jean-Marie Cavada, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, **Article 4(1) of Directive 2009/24/EC** and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration

matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. fr

Amendment 578
Emil Radev

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching *or scientific research*, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. bg

Amendment 579
Antanas Guoga, Eva Maydell

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of

Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching *or scientific research*, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 580

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching *or scientific research*, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 581

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of **extracts from** works and other subject-matter for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. fr

Amendment 582

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for **the sole purpose of illustration for teaching**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Amendment

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive in order to allow for the digital use of works and other subject-matter for **educational purposes**, to the extent justified by the non-commercial purpose to be achieved, provided that the use:

Or. en

Amendment 583

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

–a is limited, for written works, printed and digital, to short parts of a work or small scale works and individual articles from newspapers and periodicals which are not made available individually and separately by right holders,

Or. en

Amendment 584

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

–a is limited, in the case of written, printed and digital works, to brief extracts or short works;

Or. fr

Amendment 585

Julia Reda

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

deleted

Or. en

Amendment 586

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

deleted

Or. en

Amendment 587

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or ***a cultural heritage institution*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***or registered members of a cultural heritage institution who are enrolled into the non-formal education activities provided by a cultural heritage institution;***

Or. en

Amendment 588

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff, **and lasts for the time required to illustrate the lesson;**

Or. fr

Amendment 589

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on **the** premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on premises **where the teaching activities** of an educational establishment **recognised by the Member State in which it is established are carried out** or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. fr

Amendment 590

Kostas Chrysogonos, Jiří Maštálka, Kostadinka Kuneva

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or **other educational venue, such as cultural heritage institutions, research organizations, or** through a secure electronic network accessible only by the

educational establishment's pupils or students and teaching staff;

Or. en

Amendment 591

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or ***other educational venue, such as cultural heritage institutions, or*** through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Amendment 592

Jens Rohde

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network, ***including through a secure network access by the dedicated users on their own devices,*** accessible only by the educational establishment's pupils or students and teaching staff;

Or. en

Justification

Already Directive 2001/29/EC allows for access at “dedicated terminals”. This approach needs modernisation.

Amendment 593

Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;

Amendment

(a) takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff ***directly involved in the teaching activities where the work is being used;***

Or. en

Amendment 594

Emil Radev

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ***takes place on the premises of an educational establishment or through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff;***

Amendment

(a) ***is restricted to the specifically limited circle of those taking part in the teaching activity, such as pupils or students and teaching staff, or registered members of a cultural heritage institution involved in non-formal education;***

Or. bg

Amendment 595

Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) takes place on the premises of an educational establishment or ***through a secure electronic network accessible only by the educational establishment's pupils or students and teaching staff***;

Amendment

(a) takes place on the premises of an educational establishment or ***on the premises of an entity providing educational activities or through a secure electronic communications network***;

Or. en

Amendment 596
Enrico Gasbarra, Luigi Morgano, Silvia Costa

Proposal for a directive
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) is limited to the duration justified by the illustrative purpose;

Or. en

Amendment 597
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.

deleted

Or. en

Amendment 598

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.

Amendment

(b) *is confined to short extracts of written, printed or digital work, to works of which few copies were published or to individual articles from newspapers or periodicals which cannot be accessed individually and separately by those entitled to access them, and* is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.

Or. fr

Amendment 599

Jens Rohde

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) is accompanied by the indication of the source, including the author's name, unless this *turns out to be impossible*.

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this *cannot be ascertained without disproportionate effort*.

Or. en

Justification

In order not to allow too much bureaucracy the introduction of an effort limitation seems adequate.

Amendment 600

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) is accompanied by the indication of the source, including the author's name, unless this turns out to be impossible.

(b) *[Does not affect the English version]*

Or. fr

Amendment 601

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The exception provided for paragraph 1 must allow the lesson to be accessed by digital means both in the country in which the establishment providing it is situated and in that where the student is located;

Or. fr

Amendment 602

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be inapplicable. The exception provided for in paragraph 1 shall not apply in cases where licences are available.

Or. fr

Amendment 603
Julia Reda

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide that any contractual provision contrary to the exception or limitation adopted pursuant to paragraph 1 shall be unenforceable.

Or. en

Amendment 604
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

Or. en

Amendment 605
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in

deleted

paragraph 1 are easily available in the market.

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. en

Amendment 606

Julia Reda

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

deleted

Or. en

Amendment 607

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate

deleted

licences authorising the acts described in paragraph 1 are easily available in the market.

Or. en

Amendment 608
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

deleted

Or. en

Amendment 609
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Or. en

Amendment 610
Daniel Buda

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 ***and adapted to the specific needs and requirements of educational establishments*** are easily available in the market.

Or. ro

Amendment 611
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States ***may*** provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are easily available in the market.

Amendment

Member States ***shall*** provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising at least the acts described in paragraph 1 are easily available in the market.

Or. fr

Amendment 612
Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are *easily* available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that adequate licences authorising the acts described in paragraph 1 are available in the market.

Or. en

Amendment 613 Constance Le Grip

Proposal for a directive Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that *adequate* licences authorising the acts described in paragraph 1 are *easily* available in the market.

Amendment

Member States may provide that the exception adopted pursuant to paragraph 1 does not apply generally or as regards specific types of works or other subject-matter, to the extent that licences authorising the acts described in paragraph 1 are available in the market.

Or. en

Amendment 614 Julia Reda

Proposal for a directive Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described

Amendment

deleted

in paragraph 1 for educational establishments.

Or. en

Amendment 615
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments. *deleted*

Or. en

Amendment 616
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments. *deleted*

Or. en

Amendment 617

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Marju Lauristin, Mary Honeyball

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments ***and cultural heritage institutions.***

Or. en

Amendment 618

Antanas Guoga, Eva Maydell

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments ***and cultural heritage institutions.***

Or. en

Amendment 619

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States *availing themselves of the provision of the first subparagraph shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.*

Member States *may exclude materials intended chiefly for the educational market from the exception or limitation provided for in the first subparagraph.*

Or. fr

Amendment 620

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States *availing themselves of the provision of the first subparagraph* shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Amendment

Member States shall take the necessary measures to ensure appropriate availability and visibility of the licences authorising the acts described in paragraph 1 for educational establishments.

Or. fr

Amendment 621

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purposes of applying paragraph 2, Member States shall actively assist in ensuring the availability of licences authorising, at least, the acts covered by paragraph 1, for example by acquiring collective licences on behalf of the educational establishments established on their territory or by facilitating dialogue between rightholders and*

educational establishments with a view to establishing specific authorisations for the acts covered by paragraph 1.

Member States shall ensure the visibility of the licences authorising the acts covered by paragraph 1 through appropriate tools, such as a single portal or database accessible to educational establishments, where the available licences shall be listed and kept up to date.

Or. fr

Amendment 622
József Szájer, Andrea Bocskor

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purposes of applying paragraph 2, Member States shall actively assist in facilitating dialogue between rightholders and educational establishments with a view to establishing specific licences authorising the acts described in paragraph 1. Member States may be encouraged to ensure the visibility of the licences authorising the acts described in paragraph 1 through appropriate tools, such as a single portal or database accessible to educational establishments, where the available licences shall be listed and kept up-to-date.*

Or. en

Justification

The amendment would increase the accessibility of licences, however, at the same time, the decision would be left to Member States which tools they consider to be appropriate. E.g. developing a single portal or database should be carried out on a voluntary basis, since not every Member State has the capacity (or the funding) to develop such tools.

Amendment 623
Tiemo Wölken, Dietmar Köster

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic **communications** networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment **or the entity providing educational activities** is established.

Or. en

Amendment 624
Kosma Zlotowski

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational **establishment** is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the **person or entity providing the educational activity** is established.

Or. en

Amendment 625

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

**Proposal for a directive
Article 4 – paragraph 3**

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Amendment

3. The use of ***extracts from*** works and other subject-matter for the sole purpose of illustration for teaching through secure electronic networks undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational establishment is established.

Or. fr

**Amendment 626
Julia Reda**

**Proposal for a directive
Article 4 – paragraph 3**

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of ***illustration for teaching through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the educational ***establishment is established***.

Amendment

3. The use of works and other subject-matter for the sole purpose of ***research or education online*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State ***from*** where the educational ***activity originates***.

Or. en

**Amendment 627
Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano**

**Proposal for a directive
Article 4 – paragraph 3**

Text proposed by the Commission

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***through secure electronic networks*** undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***educational establishment*** is established.

Amendment

3. The use of works and other subject-matter for the sole purpose of illustration for teaching ***or scientific research, including private study***, undertaken in compliance with the provisions of national law adopted pursuant to this Article shall be deemed to occur solely in the Member State where the ***beneficiary*** is established.

Or. en

Amendment 628
Julia Reda

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. ***Member States shall ensure that rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.*** Member States may provide for fair compensation for the ***demonstrable*** harm incurred by the rightholders due to the use of their works or other subject-matter ***pursuant to paragraph 1, provided that it does not go beyond what is necessary and proportionate to compensate such demonstrable harm, and that rightholders do not require that the beneficiaries of the exception or limitation referred to in paragraph 1 provide information on individual uses made*** pursuant to paragraph 1.

Or. en

Amendment 629

Jens Rohde

**Proposal for a directive
Article 4 – paragraph 4**

Text proposed by the Commission

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1. ***Any such compensation shall be paid in a lump-sum.***

Or. en

Justification

Single entries would be inadequate for higher-education institutions and single entry requirements would lead to disproportionate bureaucracy.

Amendment 630

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

**Proposal for a directive
Article 4 – paragraph 4**

Text proposed by the Commission

4. Member States may provide for fair compensation for ***the harm incurred by the*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States may provide for fair compensation for ***any unreasonable prejudice to the legitimate interests of*** rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 631

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

**Proposal for a directive
Article 4 – paragraph 4**

Text proposed by the Commission

4. Member States *may* provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States *shall* provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 632
Antanas Guoga

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States *may* provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States *shall* provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. en

Amendment 633
Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States *may* provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Amendment

4. Member States *shall* provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1.

Or. fr

Amendment 634
Kosma Złotowski

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that the rightholders have the right to grant royalty-free licences authorising the acts described in paragraph 1, generally or as regards specific types of works or other subject-matter that they may choose.

Or. en

Amendment 635
Julia Reda

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Reproduction by cultural heritage institutions and educational establishments, including cross-border activities

Or. en

Amendment 636
Evelyn Regner, Josef Weidenholzer

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Preservation of cultural heritage *and safeguarding the Public Domain*

Or. en

Amendment 637
Jens Rohde

Proposal for a directive
Article 5 – title

Text proposed by the Commission

Amendment

Preservation of cultural heritage

Preservation **and accessibility** of cultural heritage

Or. en

Justification

The Article should not only provide for rules on the preservation but also on the public procurement of our cultural heritage by entrusted public institutions in the framework of their subscribed mandate.

Amendment 638
Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

I. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, **research organizations or educational establishments** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such **reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission**

in preservation, research, culture, education and teaching.

Or. en

Amendment 639
Emil Radev

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, **research organisations and educational establishments** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary, **with the aim of carrying out, either alone or in association with others, their public interest mission of** preservation, **research, culture, education or training.**

Or. bg

Amendment 640
Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to

Amendment

Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to

paragraph 1. Article 5 Preservation of cultural heritage Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

paragraph 1. Article 5 Preservation of cultural heritage Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***designated as such by their Member States*** to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, ***on condition that it is not feasible to acquire copies of them***, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. fr

Amendment 641
Julia Reda

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are ***permanently*** in their collections, in any format or medium, ***for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such*** preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions ***or educational establishments*** to make copies of any works or other subject-matter that are in their collections ***or publicly accessible on the Internet***, in any format or medium, ***to the extent necessary for such reproduction, for the purpose of, individually or collaboratively with others, carrying out their public interest mission in preservation, research, culture, education and teaching.***

Amendment 642
Jens Rohde

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter **and to the extent necessary for such preservation.**

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, **including museums**, to make copies of **and allow access through a secure electronic network to** any works or other subject-matter that are permanently in their collections **or that they might legally acquire in the future**, in any format or medium, for the sole purpose of **and to the extent necessary for** the preservation of such works or other subject-matter **as well as for cultural imparting.**

Justification

An exception for the preservation of the cultural heritage should be complemented by an exemption for public cultural imparting of cultural heritage institutions within their prescribed public tasks.

Amendment 643

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Josef Weidenholzer

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions *or educational facilities*, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 644

Sajjad Karim, Angel Dzhambazki

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections *or use the facilities of third parties to do so*, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. en

Amendment 645

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the *sole* purpose of the preservation of such works or other subject-matter *and to the extent necessary for such preservation*.

Amendment

Member States, *taking into account the fact that the dissemination of culture and knowledge is in the public interest*, shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the purpose of the preservation, *consultation, or cataloguing* of such works or other subject-matter.

Or. it

Amendment 646

Marie-Christine Boutonnet, Dominique Bilde, Gilles Lebreton

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Member States may provide for fair compensation for the harm incurred by the rightholders due to the use of their works or other subject-matter pursuant to paragraph 1. Article 5 Preservation of cultural heritage Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any

Amendment

Member States may provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions *and libraries*, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Or. fr

Amendment 647

Virginie Rozière, Sylvie Guillaume, Pervenche Berès, Marc Tarabella

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation.

Amendment

Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions, to make copies of any works or other subject-matter that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works or other subject-matter and to the extent necessary for such preservation , ***without modifying them.***

Or. en

Amendment 648

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Works permanently in a collection are those works which are the property of the cultural heritage institution, and not

works held under licence and accessible via a third-party server.

Or. fr

Amendment 649

József Szájer, Andrea Bocskor

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purpose of enjoying the exception under the first paragraph of this Article, cultural heritage institutions may request that another cultural heritage institution or a service provider perform on their behalf the act of copying or digitising the works or other subject-matter that are permanently in the collection of the requesting cultural heritage institution, provided that no such copies shall remain available by the requested institution or service provider.

Or. en

Amendment 650

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall recognise that once a work is in the public domain because the copyright and related rights therein have expired or never existed, faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitalisation,

shall equally not be subject to copyright or related rights.

Or. en

Amendment 651

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Victor Negrescu, Sergio Gaetano Cofferati, Josef Weidenholzer

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall recognise that once a work is in the public domain because the copyright and other related rights therein have expired or never existed, accurate reproductions in full or in part of that work shall not be subject to copyright or related rights.

Or. en

Amendment 652

Julia Reda

Proposal for a directive

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall recognise that once a work is in the public domain because the copyright and related rights therein have expired or never existed, faithful reproductions in full or in part of that work, regardless of the mode of reproduction and including digitisation, shall equally not be subject to copyright or related rights.

Or. en

Amendment 653

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Automated image-referencing services may also fall within the scope of this exception for the purpose of the preservation of such works or subject-matter and to the extent necessary for such preservation.

Or. fr

Amendment 654

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.

Or. en

Amendment 655

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

Amendment 656
Julia Reda

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Amendment 657
Julia Reda

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Document delivery by cultural heritage institutions and educational establishments

1. Member States shall provide an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC Article 4(1)(a) of Directive 2009/24/EC and Article 11(1) of this Directive, permitting cultural heritage institutions or educational establishments to make reproductions in any format or medium upon request, for the sole purpose of a person's scientific research or private study, as long as the source, including the author's name is indicated, unless inclusion of the name is impractical.

2. Any contractual provision contrary to the exception set out in paragraph 1 shall be unenforceable.

Or. en

Amendment 658

Jean-Marie Cavada, Robert Rochefort, António Marinho e Pinto

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Use of extracts from pre-existing works and other subject-matter in content uploaded or made available by users

(1) Member States shall provide for an exception to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, and point (a) of Article 4(1) of Directive 2009/24/EC in order to allow for the use of extracts from pre-existing works and other subject-matter in content uploaded or made available by users, other than in the course of their work, for purposes such as criticism, review, illustration, caricature, parody or pastiche, provided that the extracts:

(a) relate to works or other subject-matter that have been lawfully made available to the public;

(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and

(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.

(2) Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

(3) This exception shall be without prejudice to the provisions of Article 13 of this Directive.

Or. fr

Amendment 659
Julia Reda, Nessa Childers

Proposal for a directive
Article 5 e (new)

Text proposed by the Commission

Amendment

Article 5 e

User-generated content exception

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2, 3 and 4 of Directive 2001/29/EC, point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, point (a) of Article 4(1) of Directive 2009/24/EC and Article 13 of this Directive in order to allow for the digital use of quotations or extracts of works and other subject-matter comprised within user-generated content for purposes such as criticism, review, entertainment, illustration, caricature, parody or pastiche provided that the quotations or extracts:

(a) relate to works or other subject-matter that have already been lawfully made available to the public;

(b) are accompanied by the indication of the source, including the author's name, unless this turns out to be impossible; and

(c) are used in accordance with fair practice and in a manner that does not extend beyond the specific purpose for which they are being used.

2. Any contractual provision contrary to the exception provided for in this paragraph 1 shall be unenforceable.

Or. en

**Amendment 660
Julia Reda**

**Proposal for a directive
Article 5 c (new)**

Text proposed by the Commission

Amendment

Article 5 c

Public lending of literary works

1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow the lending of literary works in any format to the public, where such works have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of Directive 2006/115/EC .

2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be unenforceable.

3. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, and Article 11(1) of this Directive, permitting libraries to make reproductions of literary works in order to facilitate public lending where the literary works have been legitimately acquired, but are not available in the format or medium required as part of the lending service.

4. Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend on reasonable terms, including remotely, all commercially available literary works in any format, including digital, that have

legally entered their collections or to which they have legal access. The Commission shall report on progress towards this goal no later than two years after ... [date of entry into force of this Directive].

Or. en

Amendment 661

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Public lending of literary works

- 1. Member States shall provide for an exception to the rights provided in Article 1 of Directive 2006/115/EC, permitting public libraries to lend literary works in any format to the public, including remotely, where such literary works have entered into their collections or to which they have authorised access. This is without prejudice to the provisions laid down in Article 6 of Directive 2006/115/EC.**
- 2. Any contractual provision contrary to the exception provided for in paragraph 1 shall be null and void.**
- 3. Member States shall, in consultation with authors, publishers and public libraries, ensure that public libraries can acquire and lend on reasonable terms, in any format, including remotely, all literary works which have already been lawfully made available to the public and have entered into their collections or to which they have authorised access.**
- 4. Member States shall report to the Commission on the steps taken according**

to paragraph 3. The Commission shall facilitate the exchange of best practices among Member States and make them easily and effectively accessible to the public.

Or. en

Amendment 662

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1. Member States shall provide for a limitation to the rights provided in Article 1 of Directive 2006/115/EC in order to allow for the lending of literary and/or scientific works in any format to the public, including remotely, where these have been legitimately acquired. This is without prejudice to the provisions of Articles 6(2) and 6(3) of that Directive.

2. Any contractual provision contrary to the exception provided in paragraph 1 of this Article shall be unenforceable.

3. Member States should authorise legal circumvention of TPMs that restrict the exercise of lawful exceptions and limitations, including the derogation/exception for "public lending".

4. Without prejudice to the provisions of paragraphs 1 and 2 of this Article, Member States, libraries, authors and publishers shall work together to ensure that libraries can acquire and lend in reasonable terms, including remotely, all commercially available literary or scientific works in any format, including digital, that have legally entered their

collections or to which they have legal access.

The Commission shall report on progress towards this goal no later than 2 years after(the date of entry into force of this Directive).

Or. en

Amendment 663

Angelika Niebler, Axel Voss

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Databases

Member States shall provide courts, tribunals and authorities with the rights provided for in Article 2 and Article 3(2) of Directive 2001/29/EC for purposes of the administration of justice and public security.

Or. de

Justification

The creation and maintenance of databases providing information that is vital for the proper administration of justice must remain possible without risk of copyright infringement. In many cases, the availability of a database represents a necessary source of information for the speedy and smooth conduct of proceedings. An exception should therefore also be provided for the administration of justice and public security.

Amendment 664

Evelyn Regner, Josef Weidenholzer

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Freedom of Panorama

Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.

Or. en

Amendment 665

Jiří Maštálka, Kostas Chrysogonos, Kostadinka Kuneva

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide for an exception that grants the right to reproduce works permanently located in public spaces by way of still or moving images and to distribute and communicate to the public such images in full or in parts.

Or. en

Amendment 666

Jens Rohde

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive

96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places and created by private individuals, with the exception of any usage related to a commercial purpose.

2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Or. en

Justification

There should be an exception to copyright as regards the reproduction and use of works located permanently in the public sphere in order to stimulate innovation and allow for enhanced partaking in cultural goods. However, such an exception should be limited to non-commercial purposes in order not to undermine national structures to finance and support the cultural sectors.

Amendment 667

Julia Reda, Dita Charanzová, Marietje Schaake

Proposal for a directive

Article 5 d (new)

Text proposed by the Commission

Amendment

Article 5 d

Freedom of Panorama

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC and point (a) of Article 5 and Article 7(1) of Directive 96/9/EC, permitting the reproduction and use of works, such as works of architecture or sculpture, made to be located permanently in public places.

2. Any contractual provision contrary to the exception provided for in this Article shall be unenforceable.

Amendment 668

Lidia Joanna Geringer de Oedenberg, Catherine Stihler, Josef Weidenholzer, Sergio Gaetano Cofferati

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Member States shall provide for an exception or limitation to the rights to use photographs, video footage or other images of works permanently placed in public spaces.

Or. en

Amendment 669

Isabella Adinolfi, Laura Ferrara, David Borrelli, Dario Tamburrano

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

General de minimis exception

1. Member States shall provide for an exception or limitation to the rights provided for in Article 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, and Article 4(1)(a) of Directive 2009/24/EC, to the extent justified by the non-commercial purpose to be achieved, regardless of the format or medium used, in the following cases:

(a) uses for the benefit of persons with a disability, which is directly related to the

disability, to the extent required by the specific disability;

(b) reproduction, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works or other subject-matter of the same character, in cases where such use is not expressly reserved, and as long as the source, including the author's name, is indicated or use of works or other subject-matter in connection with the reporting of current events, to the extent justified by the informatory purpose and as long as the source, including the author's name, is indicated, unless this turns out to be impossible;

(c) quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this turns out to be impossible, the source, including the author's name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose;

(d) uses for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings;

(e) use of political speeches as well as extracts of public lectures or similar works or subject-matter to the extent justified by the informatory purpose and provided that the source, including the author's name, is indicated, except where this turns out to be impossible;

(f) incidental inclusion of a work or other subject-matter in other material;

(g) uses for the purpose of caricature, parody or pastiche;

(h) uses in connection with the demonstration or repair of equipment, or

the reconstruction of an original or a copy of a work;

(i) making of a back-up copy of a work by a person having a right to use it and insofar as it is necessary for that use;

2. Any other use that is analogous to the uses enumerated in paragraph 1 is permitted provided that the corresponding requirements of the relevant exceptions or limitations are met and the use does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the authors or rightholders, and taking account of the legitimate interests of third parties.

Or. en

Amendment 670
Julia Reda

Proposal for a directive
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Access for the purposes of research or private study to the collections of cultural heritage institutions or educational establishments

1. Member States shall provide for an exception or limitation to the rights provided for in Articles 2 and 3 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC, Article 4(1) of Directive 2009/24/EC and Article 11(1) of this Directive for the communication or making available of works and other subject matter contained in the collections of cultural heritage institutions, or educational establishments, for the purpose of research or private study, to

members of the public on the premises of those institutions, or establishments and online.

2. Any contractual provision contrary to the exception set out in paragraph (1) shall be unenforceable.

Or. en

Amendment 671
Julia Reda

Proposal for a directive
Article 5 f (new)

Text proposed by the Commission

Amendment

Article 5 f

Mutual recognition of public domain provisions

Member States shall recognize works and other subject matter to be in the public domain if such works are exempted from copyright protection in the country of origin of the works.

Or. en

Amendment 672
Jean-Marie Cavada, Robert Rochefort, Constance Le Grip, António Marinho e Pinto

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

Article 5(5) and the first, third and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the exceptions and the limitation provided for under this Title.

1. Accessing content covered by an exception provided for in this Directive shall not confer on users any entitlement to use it pursuant to another exception.

*2. Article 5(5) and the first, third, **fourth** and fifth subparagraphs of Article 6(4) of Directive 2001/29/EC shall apply to the*

exceptions and the limitation provided for
under this Title.

Or. fr